IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2541 OF 2006
IN
WRIT PETITION NO.5765 OF 2006

Union of India ...Appellants/Applicants
Vs.
Smt. Manjushree Jain & Ors. ...Respondents

Mr.A.N.Samant, Advocate for the Appellants/Applicants
Mr.S.P.Saxena, Advocate for the Respondents

CORAM: SHRI D.G. DESHPANDE &
SMT. ROSHAN DALVI, JJ.
DATE : 4TH DECEMBER, 2006.

P.C.

1. Heard the learned Advocate for the Union of India and the learned Advocate for the Respondents.

2. This application is for vacating the Ex-parte order dated 31st July, 2006 passed in Writ Petition.

3. Admittedly the Writ Petition was filed challenging the exparte order. The Writ Petition filed by the Petitioner was in respect of the premises to be vacated which was allotted to her during the course of her employment. It is also admitted fact that till those proceedings achieved and attained final hearing, that order was not challenged. However, in addition the Petitioner had given undertaking to the lower Court twice to vacate the premises firstly within a period of 3 months from the date of order. Then that period was extended by one month on humanitarian ground. The order of eviction having become final cannot and is not the subject matter of the present petition and therefore, prayer for vacating the premises is to be allowed. The Civil Application is allowed. The Ex-parte order dated 31st July, 2006 is vacated.

(SMT. ROSHAN DALVI, J.) (SHRI D.G. DESHPANDE, J.)